

**LIQUOR LICENSE  
PUBLIC CONVENIENCE OR  
NECESSITY REFERRAL**

**TO:** Planning Department  
Georgia Powell  
Phone No. (415) 558-6371

**BOS File No.** 180763

**TO:** Police Department  
Inspector Nelly Gordon  
Phone No. (415) 837-7273

**DATE:** July 27, 2018

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Please submit your response in four to six weeks for the matter to be heard.  
**PLEASE EMAIL YOUR RESPONSE BY:** September 7, 2018, to John Carroll,  
Public Safety and Neighborhood Services Committee Clerk.

[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) - Phone No: 554-4445

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**Applicant name:** Nguey Lay

**Business name:** Lay Brothers, LLC, dba  
**Fig & Thistle**

**Application address:** 691-14<sup>th</sup> Street  
San Francisco, CA 94114

Assessor's Parcel Block No. 3544, Lot No. 070  
Upper Market NCT District  
SW Planning Team

**Applicant contact info:** Jordan Reis Cohen  
3980B 19th Street  
San Francisco, CA 94114  
415-894-5436  
jordanreiscohen@gmail.com

**PLANNING REVIEW:**     **Approval**         **Denial**

Planning Record No. \_\_\_\_\_

Planning Staff Contact: \_\_\_\_\_

Please print review comments on a trailing page.

**POLICE REVIEW:**         **Approval**         **Denial**

Please provide review comments in a trailing report.



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2018 JUL 26 PM 3:41

BY JB

July 18, 2018

Angela Calvillo  
Clerk of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

**VIA Certified Mail**

***RE: Public Convenience and Necessity Resolution; Lay Brothers, LLC DBA Fig & Thistle; 691 14<sup>th</sup> Street, San Francisco, CA 94114; Type-42 On-Sale Beer and Wine Public Premises (#583064)***

Dear Ms. Calvillo:

The Department of Alcoholic Beverage Control is currently reviewing our application to place a type-42 license on our existing currently operating wine shop located at 691 14th Street, San Francisco CA 94114. We request a hearing for a public convenience and necessity resolution. We wish to operate with this license from noon to 10:00 pm each day of the week. The mailing notification to residents within 500 feet was mailed on June 21 and the thirty day protest period will expire this coming Saturday July 21. We currently hold a type-20 Off-Sale Beer and Wine license at this premise and wish to offer a share of our unique and predominantly biodynamic and organic wines to customers at our neighborhood shop.

Our store is located in the rapidly developing Castro District of San Francisco. There are surrounding residences within 100 ft. Just like our wine bar located at 313 Ivy Street in the Hayes Valley neighborhood, this Castro location will be an approachable and comforting space which will fit in nicely with the surrounding mixed-use district. The area is properly zoned for this type of license and a Conditional Use Permit was granted by the San Francisco Planning Department (attached). The San Francisco Police Department believes issuing a type-42 license will not cause any problems in the neighborhood. We have the overwhelming support for this application from many of our neighbors as well as the Castro Merchants (letter of support attached).

As the operator of this wine shop and bar, my partners and I are enthusiastic to bring our interests in flavors, art, botany, and community from our backgrounds, home, and families. Creating a neighborhood destination along with a casual and comfortable space for visitors is our ultimate goal. Our shop currently operating at this location provides a diverse offering of wines, beer & sake, plants for the home, hand crafted jewelry, and culinary periodicals. This ABC license will allow us to feature beer, sake, and fine wines by the glass at our shop,

691 14th Street, San Francisco CA 94114  
415.894.5436

permitting us to hire more staff, creating jobs for the community and increasing sales tax revenues for the City. Our restaurant is located in a higher-than-average crime district and this ABC license will allow us to create pedestrian foot traffic to the business, putting more eyes on the street, making the neighborhood safer.

There is no similar high-quality wine shop & bar for several blocks offering this unique selection of sake, high-end beer, and biodynamic & organic wines along with locally made jewelry and beautiful house plants, which means that the elderly do not have to travel as far to enjoy a glass of local wine or purchase something decorative for their living room. We will benefit many Castro, Mission, Duboce Triangle, and Upper-Market residents who might otherwise have to drive to another neighborhood for a similar experience.

The added revenue from this new license will allow us to sponsor charitable events and organizations in the neighborhood as we continue to build relationships in the community just as we have done with our flagship business working with Raphael House, Hayes Valley Neighborhood Association, Mission Dolores Neighborhood Association, and La Cocina, among others. Allowing this license to issue to this location, in accordance with § 23958.4 of the California Business and Professions code, will allow the residents from the surrounding neighborhood to have beer, sake, or wine in a safe and friendly environment, and will be a much-appreciated feature of this shop. Please feel free to contact Jordan R. Cohen with any questions or concerns at 415.894.5436. Approval of this license will definitely serve the public convenience and necessity of our neighbors and of the people of the City and County of San Francisco.

Thank you for your consideration.

Yours truly,

A handwritten signature in black ink that reads "Nguey Lay". The signature is written in a cursive, slightly slanted style.

Nguey Lay, Owner  
Fig & Thistle

Attached:  
Castro Merchants Letter of Support  
CUP Authorization



**584 Castro Street #333  
San Francisco CA 94114-2512**

formerly "Merchants of Upper Market & Castro – MUMC"  
**415/431-2359**

**Info@CastroMerchants.com  
[www.CastroMerchants.com](http://www.CastroMerchants.com)**

February 1, 2018

*By Email and USPS Hardcopy*

Veronica Flores, Staff Planner  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco CA 94103

Re: Conditional Use Authorization, Case No. 2017-01087CUA and related approvals  
for Proposed Fig & Thistle Wine Bar at 691-14<sup>th</sup> Street

Dear Ms. Flores,

This confirms that Castro Merchants (formerly "Merchants of Upper Market & Castro – MUMC") **SUPPORTS** the Conditional Use Application(s) of Angel Davis, et al for a wine bar to be added to its existing retail operation. Our SUPPORT includes for the Applicant's request when heard by the Planning Commission. It also includes applications for any related S.F. Departments of Building Inspection and Public Works Applications (including for Sidewalk Tables and Chairs), California Alcoholic Beverage Commission (ABC) license for on-premises operation of a wine bar, and other entitlements related to operation of Fig & Thistle Wine Bar- Castro at 691-14<sup>th</sup> Street.

CM's support is based on information provided by Ms. Davis. The support communicated in this letter remains in effect until withdrawn in writing. We have asked Ms. Davis to update us promptly, if there is any substantial change(s) in information or Conditions of Approval as Fig & Thistle-Castro nears its Planning Commission Hearing date and other approval milestones.

Castro Merchants represents business owners and managers in San Francisco's Castro-Upper Market area, generally along Upper Market Street from Castro Street to Octavia Blvd.; Castro from Market to 19<sup>th</sup> Street; and commercially-zoned portions of cross streets throughout that area. Castro Merchants has over 325 paid Members for 2017 through April 30, 2018, and anticipates similar Membership support for the coming year's Campaign scheduled for March-April 2018. Fig & Thistle-Castro's location is within Castro Merchants' primary service area.

..... continued



## CASTRO MERCHANTS

S.F. Planning Department

February 1, 2018

Re: Conditional Use Authorization, Case No. 2017-01087CUA and related approvals  
for Proposed Fig & Thistle Wine Bar at 691-14<sup>th</sup> Street

Let us know if you have any questions regarding Castro Merchants support for this proposed Application(s). Please include this letter in the matter's permanent file and any successor files, and assure that our support is communicated to all applicable Planning staff and to all Commissioners prior to their Hearing on this matter, and to any Appeal panel(s) at the time that this matter is considered by them.

Thank you for considering our comments.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel Bergerac", written in a cursive style.

Daniel Bergerac, President

email cc: Sup. Jeff Sheehy & staff (Martin Fatooh)  
Capt. Gaetano Caltagirone, SFPD Mission Station  
cc: Angel Davis for Fig & Thistle-Castro

..., LtrPlanningFigThistle020118



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- |  |  |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Other                             |

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## Planning Commission Motion No. 20114

HEARING DATE: FEBRUARY 22, 2018

Case No.: 2017-010871CUA  
Project Address: 691 14<sup>TH</sup> STREET  
Zoning: Upper Market NCT (Neighborhood Commercial Transit)  
Within ¼ Mile of Fringe Financial Services Restricted Use District  
50/55-X and 40-X Height and Bulk Districts  
Block/Lot: 3544/070  
Project Sponsor: Angel Davis and Nyuey Lay  
691 14<sup>th</sup> Street  
San Francisco, CA 94114  
Staff Contact: Veronica Flores – (415) 575-9173  
veronica.flores@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 764 OF THE PLANNING CODE TO ALLOW A BAR (D.B.A. FIG & THISTLE) WITHIN THE UPPER MARKET NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT AND 50/55-X AND 40-X HEIGHT AND BULK DISTRICTS.

### PREAMBLE

On September 29, 2017 Nyuey Lay (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section 764 to allow a Bar (d.b.a. Fig and Thistle) within the Upper Market NCT (Neighborhood Commercial Transit) District and 50/55-X and 40-X Height and Bulk Districts.

On February 22, 2018, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-010871CUA.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2017-010871CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southern side of 14<sup>th</sup> Street, in between Market and Landers Streets, Block 3544, Lot 070. The property is located within the Upper Market Street NCT (Neighborhood Commercial Transit) District and 50/55-X and 40-X height and bulk districts. The property is developed with a three-story building with residential units on the top floors. The Fig & Thistle Bottle Shop, currently a Liquor Store, is the only commercial business on the ground floor and has been in operation at this site since June 2017. The subject property is approximately 110 feet deep with approximately 15 feet of frontage on 14<sup>th</sup> Street. The lot is approximately 66% covered by the subject building.
3. **Surrounding Properties and Neighborhood.** The project site is located southern side of 14<sup>th</sup> Street, in between Market and Landers Streets. The Project site is located in an Upper Market NCT District with a variety of neighborhood-serving uses. A mixture of food establishments, personal services, and small retail establishments defines the District. The food service establishments are primarily restaurants. The surrounding properties are located within the NCT-3 (Moderate Scale NCT) and RTO (Residential Transit Oriented) Districts.
4. **Project Description.** The applicant proposes to change the use of the existing liquor store (d.b.a. Fig & Thistle Bottle Shop) to a bar (d.b.a. Fig & Thistle). Prior to the Fig & Thistle Bottle Shop, a different market/deli and liquor store (d.b.a. M&L Market) operated at the project site by the the project sponsor's grandmother for almost 40 years since 1980. In June 2017, the market was passed down to the project sponsor and they started operating as the Fig & Thistle Bottle Shop, and the same team will continue to the operate the proposed bar. The proposal does not include any building expansions or façade alterations. A building permit for tenant improvements, Building Permit No. 2017.02.14.9395, was approved by Planning on February 15, 2017 to create an ADA-compliant restroom. A subsequent Building Permit Application will be submitted for a change of use to the proposed bar contingent on the Conditional Use Authorization approval. The existing commercial space is 668 square feet in size. The proposed commercial use is under 5,000 square feet in size, so there is not an on-site parking requirement.

Between the hours of 11:00am to 12:00 Midnight, Fig & Thistle will sell wine, all of which is produced in small batches and farmed organically. In the immediate vicinity, other businesses are already open until 2am including Pilsner Inn, Churchchill, and Blackbird bars, and Safeway is open 24 hours a day; therefore, the late hours will not be disruptive to the neighborhood. While the primary services will still revolve retail sales, the tasting component of the businesses is classified as a bar because of the proposed on-site consumption. There will not be any food sales or any entertainment at the project site.

The existing business currently has only one employee, with hopes to hire additional staff with the change of use. The business will strive to hire locally in the event of future expansion. The subject site is well served by public transit so that potential customers should not adversely affect the traffic flow. Additionally, deliveries are made once a week on the corner of 14<sup>th</sup> and Dolores Streets in designated loading areas.

The proposed use is an independent use and locally owned, which has been encouraged throughout San Francisco. The proposed use is not a Formula Retail use. The proposal requires a change of use and Section 312-neighborhood notification was conducted in conjunction with the Conditional Use Authorization process. The proposed use is a neighborhood-serving use.

5. **Public Comment.** To date, the Department has received one letter of support of the proposed project from the Castro Merchants. The project sponsor also collected 18 letters of support directly from individuals and neighborhood groups, which are included as part of their submittal.

The project sponsor conducted community outreach collecting over 300 signatures in a petition supporting the proposed project to allow tastings on site. The project sponsor also attended the following neighborhood organization meetings to present the project:

- Castro Merchants Association on August 19, 2017
- Dolores Neighborhood Association in November 2017.
- Duboce Neighborhood Association on December 4, 2017

Additionally, the project sponsor has been an active member of the Hayes Valley Neighborhood Association since 2013 upon opening their first bar location there. The project sponsor reached out to the Supervisor's Office as well as the Mission Police Station to discuss the proposed project.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Use Size.** Planning Code Sections 121.2 and 764 state that a Conditional Use Authorization is required for uses greater than 3,000 square feet.

*The tenant space is approximately 688 square feet in size and does not intend to expand beyond the existing building envelope; thus Conditional Use Authorization is not required for the use size.*



- B. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

*The proposal contains approximately 688 square feet of occupied floor area and thus does not require any off-street parking.*

- C. **Hours of Operation.** Planning Code Section 764 states that a Conditional Use Authorization is required for maintaining hours of operation from 2 a.m. to 6 a.m., as defined by Planning Code Section 790.48.

*The current hours of operation for Fig & Thistle Bottle Shop are from 11 a.m. to 7 p.m. The proposed hours of operation are proposed from 11 a.m. to 2 a.m.*

- D. **Outdoor Activity.** Planning Code Section 764 states that a Conditional Use Authorization is required for an Outdoor Activity Area, as defined by Planning Code Section 790.70.

*The Project Sponsor does not propose to include an Outdoor Activity Area.*

- E. **Rear Yard Requirement in the Upper Market NCT District.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated, but in no case less than 15 feet.

*The proposal does not include any structural expansion.*

- F. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

*The subject commercial space has approximately 15-feet of frontage on 14<sup>th</sup> Street with almost 100 percent devoted to either the entrance or window space. The windows are clear and unobstructed.*

- G. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

7. Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The size of the proposed use is in keeping with other storefronts on the block face. The proposed bar will not impact traffic or parking in the District because it is not a destination bar. This will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by expanding services of a current business.*

B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope.*

ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*The Planning Code does not require parking or loading for a 688 square-foot bar. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.*

iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*The proposed use is subject to the standard conditions of approval for bar and outlined in Exhibit A.*

iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

*The proposed bar does not require any additional tenant improvements. The Department shall review all lighting and signs proposed for the business.*

C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*The proposed project is consistent with the stated purposes of NC-1 Districts in that the intended use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.*

8. **Planning Code Section 303(o)** establishes criteria for the Planning Commission to consider when reviewing applications for Eating and Drinking Uses. Such concentration should not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of this Section of the Code, the immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district. On balance, the project does comply with said criteria in that:

A. Project Vicinity

*There is approximately 4,676.7 linear feet of commercial frontage within 300 feet of the project site. Approximately 443.4 linear feet or 9.48% of this commercial frontage is comprised of eating and drinking establishments. The change of use to a bar will add approximately 25 linear feet, increasing the eating and drinking establishment percentage from 9.48% to 10.02% within 300 feet of the project site.*

B. Upper Market NCT

*There is approximately 7,402.67 linear feet of commercial frontage within the Upper Market NCT. Approximately 1,575.3 linear feet or 21.28% of this commercial frontage is comprised of eating and drinking establishments. The change of use to a bar will add approximately 25 linear feet, increasing the eating and drinking establishment percentage from 21.28% to 21.62% within the Upper Market NCT.*

9. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

## **NEIGHBORHOOD COMMERCE**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

**MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.**

#### **Policy 1.1:**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

**Policy 1.2:**

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

**Policy 1.3:**

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The expanded scope of the existing business will not result in undesirable consequences. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.*

**OBJECTIVE 2:**

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

**Policy 2.1:**

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The Project will retain an existing commercial activity and will enhance the diverse economic base of the City.*

**OBJECTIVE 6:**

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

**Policy 6.1:**

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

*No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.*

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

### Eating and Drinking Establishments

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
  - Control nuisances associated with their proliferation;
  - Preserve storefronts for other types of local-serving businesses; and
  - Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
- Balance of retail sales and services;
  - Current inventory and composition of eating and drinking establishments;
  - Total occupied commercial linear frontage, relative to the total district frontage;
  - Uses on surrounding properties;
  - Available parking facilities, both existing and proposed;
  - Existing traffic and parking congestion; and
  - Potential impacts on the surrounding community.

*There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning staff verified the Project Sponsor's site survey of the Upper Market NCT which contains the proposed building. With the proposed bar use, approximately 21% of the frontage of this Zoning District is attributed to eating and drinking establishments.*

### Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

*An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.*

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
  - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The proposal would enhance the district by providing a bar in an area that is not over concentrated by eating and drinking establishments. The business is locally owned and there is potential to create a few employment opportunities for the community in the future.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The existing units in the surrounding neighborhood would not be adversely affected. The proposal includes extending hours of operation yet restricts the use of the outside area to 10pm so as to mitigate noise concerns.*

- C. That the City's supply of affordable housing be preserved and enhanced,

*No housing is removed for this Project.*

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The site is on 14th Street and is well served by transit, including the F K/T, J, L, M, N, 22, and 37 lines. It is presumable that future employees would commute by transit thereby mitigating possible effects on street parking.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.*

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

**DECISION**

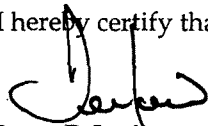
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2017-010871CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated February 5, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 20114. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on February 22, 2018.



Jonas P. Ionin  
Commission Secretary

AYES: Hillis, Melgar, Fong, Koppel, Moore, Richards

NAYS: None

ABSENT: None

ADOPTED: February 22, 2018



## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a bar (d.b.a. Fig & Thistle) located at 691 14<sup>th</sup> Street, Block 3544, and Lot 070 pursuant to Planning Code Sections 303 and 764 the Upper Market Street Neighborhood Commercial Transit District and 50/55-X and 40-X Height and Bulk Districts; in general conformance with plans, dated February 5, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2017-010871CUA and subject to conditions of approval reviewed and approved by the Commission on February 22, 2018 under Motion No. 20114. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on February 22, 2018 under Motion No. 20114.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20114 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to do so, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### DESIGN

6. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly

labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

- 7. Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than two Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at [bikeparking@sfmta.com](mailto:bikeparking@sfmta.com) to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

- 8. Market Octavia Community Improvements Fund.** The Project is subject to the Market and Octavia Community Improvements Fee, as applicable, pursuant to Planning Code Section 421.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING

- 9. Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

- 10. Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

11. **Eating and Drinking Uses.** As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in Section 102, shall be subject to the following conditions:

- A. The business operator shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.

*For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>.*

- B. When located within an enclosed space, the premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance of fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).*

*For information about compliance with construction noise requirements, contact the Department of Building Inspection at 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org).*

*For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org).*

- C. While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

- D. Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>.*

12. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

13. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

*For information about compliance, contact the Entertainment Commission, at 415 554-6678, [www.sfgov.org/entertainment](http://www.sfgov.org/entertainment)*



**California Department of Alcoholic Beverage Control**  
**License Query System Summary as of 07/26/2018**

<b>License Information</b>	
<b>License Number:</b>	583064
<b>Primary Owner:</b>	LAY BROTHERS, LLC
<b>ABC Office of Application:</b>	24 - SAN FRANCISCO

<b>Business Name</b>
FIG & THISTLE BOTTLE SHOP

<b>Business Address</b>
691 14TH ST
SAN FRANCISCO, CA. 94114
<b>County:</b> SAN FRANCISCO <b>Census Tract:</b> 0203.00

<b>Licensee Information</b>
<b>Licensee:</b> LAY BROTHERS, LLC
<b>Company Information</b>
OFFICER: LAY, NGUEY GONG (MANAGER)
MEMBER: LAY, NGUEY GONG

<b>License Types</b>																											
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<b>Operating Restrictions</b>
Sales of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. and 12:00 a.m. each day of the week.

<b>Disciplinary Action</b>
... No Active Disciplinary Action found ...

<b>Disciplinary History</b>
... No Disciplinary History found ...

<b>Holds</b>
<b>Hold Date:</b> 06-JUN-2018 <b>Type:</b> FORM 220

<b>Escrows</b>
... No Escrow found ...

For a definition of codes, view our [glossary](#).

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

Atty. Jordan Rets Cohen  
415-894-5736

TO: Department of Alcoholic Beverage Control  
33 NEW MONTGOMERY STREET  
SUITE 1230  
SAN FRANCISCO, CA 94105  
(415) 356-6500

File Number: 583064  
Receipt Number: 2505138  
Geographical Code: 3800  
Copies Mailed Date: June 6, 2018  
Issued Date:

DISTRICT SERVING LOCATION: SAN FRANCISCO  
First Owner: LAY BROTHERS, LLC  
Name of Business: FIG & THISTLE BOTTLE SHOP  
Location of Business: 691 14TH ST  
SAN FRANCISCO, CA 94114-1317  
County: SAN FRANCISCO  
Is Premise inside city limits? Yes Census Tract 0203.00

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 JUN 11 PM 3:28  
BY [Signature]

Mailing Address:  
(If different from  
premises address)

Type of license(s): 42

Transferor's license/name: \_\_\_\_\_ Dropping Partner: Yes \_\_\_ No X

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
42 - On-Sale Beer And Wine	ORIGINAL FEES	NA	Y	1	06/06/18	\$300.00
42 - On-Sale Beer And Wine	ANNUAL FEE	NA	Y	1	06/06/18	\$289.00
Total						\$589.00

Have you ever been convicted of a felony? No  
Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? No  
Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of SAN FRANCISCO Date: June 6, 2018

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

LAY BROTHERS, LLC